

BAKER & HOSTETLER LLP

45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Keith R. Murphy
Maximillian S. Shifrin

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

SOUTH FERRY BUILDING COMPANY, a New
York limited partnership, EMANUEL GETTINGER,
ABRAHAM WOLFSON, and ZEV WOLFSON,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-04488 (SMB)

NOTICE OF PRETRIAL CONFERENCE

PLEASE TAKE NOTICE that on November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”) (ECF No. 3141). Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, in this adversary proceeding on November 30, 2010 (Adv. Pro. No. 10-04488, ECF No. 1), the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter;

PLEASE TAKE FURTHER NOTICE that on January 17, 2014, Abraham Wolfson, Zev Wolfson, Emanuel Gettinger, South Ferry Building Company, a New York Limited Partnership (the “Defendants”), filed an Answer to Trustee’s Complaint (ECF No. 48) and pursuant to the Avoidance Procedures the Trustee and Defendants (the “Parties”) commenced discovery, which was completed on April 27, 2016;

PLEASE TAKE FURTHER NOTICE that pursuant to the Avoidance Procedures, on June 1, 2016, the Trustee filed a Notice of Mediation Referral (ECF No. 67), wherein the Parties jointly agreed to enter mediation and, on September 13, 2016, the mediation was completed without a settlement between the Parties;

PLEASE TAKE FURTHER NOTICE the mediator filed his final report on December 14, 2016 indicating that the mediation was unsuccessful (ECF No. 73);

PLEASE TAKE FURTHER NOTICE that pursuant to Section 7 of the Avoidance Procedures concerning scheduling a pretrial conference and trial, which provides that after all discovery has been completed and after the completion of mediation without a settlement, the

parties to the Avoidance Action shall so inform the Court at the next scheduled Avoidance Actions Omnibus Hearing;

PLEASE TAKE FURTHER NOTICE that the pre-trial conference in the above-referenced adversary proceeding has been scheduled for **January 25, 2017, at 10:00 a.m.;**

PLEASE TAKE FURTHER NOTICE that the above-referenced hearing will be held before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge.

Dated: December 20, 2016
New York, New York

BAKER & HOSTETLER LLP

/s/ Keith R. Murphy
Baker & Hostetler LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: 212.589.4200
Facsimile: 212.589.4201
David J. Sheehan
Keith R. Murphy
Maximillian S. Shifrin

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Estate of Bernard L. Madoff*